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Mississippi Negro Lore

BY

S. F. DAVIS

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McCOWAT-MERCER, JACKSON, TENN.

PREFACE.

It seems to be customary for every one who write anything for the public, to give some reason, excuse or apology for so doing, but in offering this little bunch of literary efforts to the public, I have no excuse or apology to offer with them. In the articles herein contained, as well as everything else I have ever written for the public in the past, I have endeavored to give the reader both entertainment and information, and if I have succeeded in doing either, I do not count my labor lost.

Very truly yours,

S. F. DAVIS.

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S. F. DAVIS

The Negro in His Lair.

From early childhood I have been a constant observer and an ardent admirer of the wondrous works of God. In my early days birds, bees, bugs and flowers were a never-ending source of pleasure to me; and when I was a lad of more mature years, I have lain for hours in the shade of some friendly tree and played with a toad frog or June bug until the dinner horn blew, when I was erroneously supposed to have been diligently engaged in hoeing cotton. In after years, I have sat silently on the seashore and watched the tide ebb and flow; I have climbed the lofty mountains and looked down upon the clouds; I have then descended into the Missisippi Valley and stood on the banks of the world's greatest river and watched its turbulent waters roll by; I have also looked above into the starry-decked dome of heaven and gazed upon the far-away planets and comets performing their stupendous and harmonious revolutions; and have seen written on the face of all things the glory and wonder of the supreme architect of the universe, but I have always regarded the negro as his masterpiece. The negro stands alone in a class by himself; and while the Yazoo and Mississippi delta is peculiarly suited to his needs, yet, he can adjust himself to any kind of climate or conditions and live and die happy under the most trying circumstances.

He can lie down beneath the scorching rays of a noon-day sun and sleep the sleep of the seven sleepers of old without suffering any evil effects from it whatever; or he can weather the fiercest winter gale, clad only in a pair of cotton overalls and a blue jumper. He can also wear an overcoat to a Fourth of July celebration, or a pair of linen pants and an alpaca coat to a Christmas tree and be perfectly comfortable, and, as strange as it may seem, anybody's clothes will fit him and look nice on him. King

Solomon, in his declining years, when he had become thoroughly disgusted with high society and fast living, said that there was nothing new under the sun; that he had gone all the gaits and had seen the whole show, from the free exhibition to the grand concert, and that there was nothing to it, or words to that effect. But it will be remembered that King Solomon never had any negroes to deal with; nor ever tried to make a cotton crop on buckshot land after an overflow, or he would have had a new problem to solve every day of his eventful career.

There is nothing else like the negro anywhere under the sun. He sees all things, hears all things, believes all things, and has implicit faith in everything he sees or hears, and stands ready at all times to step aboard of anything that comes along, from a young mule to a flying machine.

Wireless telegraphy is nothing new to him. He has used it for ages; every negro's mouth is a transmitter and every ear a receiver. If anything of importance happens on a plantation tonight, every negro for forty miles around will know all about it by morning, but if you happen to be a peace officer do not ask him anything about it for that has a tendency to make him forgetful and causes him to close up like a clam.

If you ever arrive in a delta town, on the train on Sunday, and the whole colored population is not at the depot to meet you, do not get off, for you may know of a certainty that some catastrophe has just struck that town.

Saturday is the negro's day by special custom and common consent, and if you have any business to attend to in a delta town, on Saturday, attend to it early and get off of the street before you get hurt. A negro cannot see you Saturday, unless you owe him something, and if you get in his way, he is liable to step on you, sit down on you, or back you up against a brick wall and smother you to death. He does not usually do these things, or any of them, through any evil design, as many people sometimes suppose, but he simply cannot help it if you get in his way, for he is busy and cannot look out for you. Saturday is his "Rashions day," and news exchange day, and in addition

to having all of those things on his mind, he has to shake hands with every other negro in town, and hug every negro woman he meets, and you had better take out an accident policy or get off of the streets.

The standard "rashions" for a negro is a peck of corn meal, three pounds of salt meat, two pounds of sugar, one pound of coffee, one gallon of black molasses and one plug of either "Red Coon," "Blue Mule," "Dixie Land," or "Wild Goose" chewing tobacco a week, but he can consume all of this at one sitting if necessary, or if he is working for you and boarding himself, he can live a week on three soda crackers, a box of sardines and five cents worth of cheese. In other words, his stomach is built on the same general plan of an old-fashioned accordian, and either contracts or expands according to the pressure brought to bear upon it.

He is also immune to nearly all kinds of poisons, and can swallow the most deadly drugs with impunity. I remember of having a negro working for me one time who was having chills and who was suffering from severe backaches. I got him a bottle of chill tonic, to take, and a bottle of liniment to rub his back with. The liniment was labeled in box car letters: "Poison. For External Use Only," and I cautioned him about it when I gave it to him, but for three days and nights before I found it out, he had been rubbing his back with the chill tonic and taking a teaspoonful of the liniment three times a day before each meal with excellent results. On another occasion I was sick myself and had a negro to wait upon me, and the doctor in charge of my case opened a can of antiphlogistine to make a plaster for my side, and left the can on the kitchen table, and when my negro went in to get his supper he mistook it for a can of peanut butter and ate the whole of it without ever discovering his mistake.

The negro does not lay up treasures on earth where moth and rust would corrode them or where thieves might break through and steal, but when he has any money or other valuable thing he immediately puts it in circulation, and the things in which he usually invests are never of a

very permanent or lasting nature. He spends much money each year for legal and medical advice, presumably for the purpose of finding out what he ought to do so that he may go and do the opposite, for it is a well known fact that a negro was never known to shut a gate or follow anybody's advice about anything.

He is also an ardent admirer of the work turned out by the dental surgeon, and down deep in every negro's heart there is a secret longing to some day have a gold tooth in front, one on a plate so that he can take it out and look at it and put it back in place at will.

He is likewise a great admirer of art and in nearly every negro's home, be it ever so humble, there hangs a life-size crayon portrait of himself on the wall right opposite the front door where you will be sure to see it as you enter. The rest of his surplus money he usually spends for entertainment, preferably an excursion, but anything else in motion will do. I have frequently stood on the street corner, on a cold cloudy winter day, and watched as many as fifty negroes who did not have, on an average, fifty cents each; and none of whom had on enough clothes to flag a hand car, clinging to a merry-go-round as it went round-and-round grinding out that well known and much beloved melody, "Oh, Bill Bailey, Why Don't You Come Home?" and their front teeth shining like the keys of a piano, while hundreds of others, who did not have the price of a ride, were standing in the half frozen mud shoe mouth deep, cheering them as they came round.

All things are pleasing to him. A circus or a funeral is equally enjoyable, but a protracted meeting followed by a big baptizing or a term of the circuit court followed by a public hanging is his chiefest delight.

The negro was once the white man's slave, but that was only for a short time, and was a part of the great scheme which God had in mind to better prepare him for the enjoyment of the things which he meant to bestow upon him in the future. By long and close association with the white man, the negro has learned all of his ways, and can read at a glance his innermost thoughts, and can now size him

up and classify him just as accurate as a cotton buyer does the different grades of cotton, and can do it much quicker.

He is no longer a slave to man or mammon, and verily that scripture which says, "The first shall be last and the last shall be first," has already come to pass and the negro now has a reserve seat in the front row. If any good things are to be had he is sure to get his share. One day a negro asked me if I thought a negro had a soul. I told him that I most assuredly did, and if he did not have one, it was the only thing I had ever heard of a white man having that a negro did not get it if he stayed with him long enough.

The negro has no great problems to solve. There is no race question so far as he is concerned. He enjoys the society of all races, ages and nationalities, and will mingle with any of them. He enjoys with equal pleasure the companionship of a five-year-old white boy or an aged Chinaman who can neither speak or understand a single word of English, for in either of those cases he gets to do nearly all of the talking.

The tariff question or the currency question does not interest him in the least. Silver is his standard and he does not want any other kind of money. Neither does the Mexican situation worry him. All of those things are the white man's troubles. But if the white folks want to whip Mexico or anybody else for any cause, or without any cause for that matter, and will furnish him the arms and ammunition, and will back him up in it, he will be glad to do it for them.

The road question was the only question that ever gave the negro any real trouble, but that was when he was subject to road duty ten days out of every year, but happily for him the roads of the delta are now being worked by taxation, and all he has to do is to pack them down after they have been constructed.

Neither does the levees or the want of levees bother him any. That is some more of the white folks' trouble. If we have an overflow or do not have one it is all right with

him. If we do have one, he is the first to have a boat and get out into it and paddle around from morning until night with the blessed assurance that there will be no work done while it lasts, and that he will draw his rations from his landlord or from the government, and sometimes both, until the water subsides.

Whenever a negro tires of country life, he moves to town, acquires a charcoal bucket and a tailor's goose; forms an alliance with some white man's cook, and with his living thus assured, he opens a cleaning and pressing establishment. He then gets out Monday morning and gathers in the Sunday clothes of all the white clerks in town, and after wearing them himself every night during the week, he gets up early Saturday morning and treats them to a gasoline bath, and flattens them out with a red hot iron and rushes them home to their owner so that he may wear them Sunday, collects $1.50 for his services in that behalf and goes on his way rejoicing. But should there be any special function in town Saturday night which he wishes to attend, he holds back the best suit of clothes which he happens to have on hand and wears them to that, and carries them home Sunday morning, if he should wake up in time, otherwise its owner can lay in bed over Sunday, and he will bring the clothes back the following Monday.

If perchance his fancy does not run to cleaning clothes, he gets himself a gasoline stove and other paraphernalia wherewith to defeat the vagrant statute, and sets up a lunch counter where he serves all such as care to come his way, irrespective of race, color or previous condition of servitude, with hamburgers, hot cat-fish, and beef sausage, and sometimes sweet spirits of fermenti on the side.

But should neither of these vocations appeal to him, he usually opens a colored barber shop with a pool room and a "crap table" in the rear, and proceeds to enjoy life until the city officials become obnoxious to him and he then goes back to the quiet country life, which is usually right after the Christmas holidays, and joins himself to a cotton planter for a period of twelve months or more and by his

certain written contract duly executed in duplicate, obligates and binds himself, heirs and assigns, to cultivate and gather a crop of cotton on the land therein described, and on the strength thereof, proceeds to eat up anywhere from $5.00 to $300.00 worth of grub while he is waiting for the ground to get dry enough to plow, and it very frequently happens that when the trees begin to bud; and when the birds begin to whistle; and the grasshopper begins to sing; Mr. Negro is seized with wanderlust, and he suddenly disappears and the people who once knew him know him no more forever.

Every delta town also has its full quota of negro women, who like the lily, toil not, neither do they spin, yet the Queen of Sheba in all of her glory was never clad like unto one of them.

Surely the negro is fearfully and wonderfully made and his ways are past finding out.

The Reason Why a Negro is Called a "Coon."

Nearly every one knows, in a general way, that there is, in all of the Southern states, a certain small animal closely allied to the bear, that is listed in Webster's Dictionary as "rac-coon," and they also know, or should know, if they have been south of the Ohio river, that this animal has long since lost the "rac" and is now known as just plain simple "coon," which is pronounced "Koon."

They also know, in the same general way, that there are many negroes in the same locality and that they are often referred to as "Coons," but not all of them know the reason why.

It is argued by some well-known scientists, that all men, irrespective of race, color or previous condition of servitude, are lineal descendants of a prehistorical bald face monkey. And while I do not subscribe to that doctrine, still, I must admit that there are many men, who, from their facial expressions, mental achievements and muscular movements, seem to bear out this doctrine, and whenever I meet a man who claims to be a grandson of a baboon or an ourang-outang, I always take it for granted that he knows, or ought to know, more about his own family history and ancestors than I do, and for that reason, I never argue the question with him and accept his statement as to his individual case as being true.

But be that as it may, the colored brother also bears many striking resemblances to the "coon," not so much in facial expressions as the marked similarity of habits and feet. They each have very dark India-rubber feet built on the same identical pattern, differing only in size; and they each have an ungovernable appetite for a certain specie of Southern fish commonly called a "grunnel" and which is

found in great numbers in all shallow lakes and cypress breaks.

Both the negro and the real "coon" each have a great fancy for all kinds of domestic fowls, and any experienced negro house-boy, or yard-man, can go into your poultry house the darkest night that ever descended upon a lost and sin cursed world, and tell the kind, age, grade and sex of all fowls therein by deftly running his fingers over the toes on the roost pole, in the same manner that a musician tests the tone of a piano by running his fingers over the keys, and can do it without ever disturbing their lightest dreams.

Neither the negro or the "coon" ever suffer from insomnia while the sun shines, and can sleep soundly anywhere during the day wherever they may be, whether that be on a barren island in the midst of the sea or in a rolling mill. But when darkness settles down upon the earth, they each become active and wide-awake, or in the language of the poet:

"The rac-coon is a mighty man,
He rambles in the dark;
He never knows what trouble is,
Till he hears old Rattler bark."

The same beautiful thought so aptly expressed by that author in reference to the "coon" is also applicable to the negro, but the words should be revised so as to read:

"The negro is a mighty man,
He rambles in the dark;
He never knows what trouble is,
'Till he hears the Capt'n's automatic 44 begin
to bark."

From time immemorial, the negro and the "coon" have been closely and intimately associated together, and be it said to the credit of the former, that they have certainly led the latter a merry chase, as will readily be seen by the number of pelts of the latter tacked on to the sunny side of the cabin of the average plantation negro.

Well do I remember, when I was a small boy, just beginning to study the glorious history of my country, that

the thing that impressed me most of all about the picture of the birthplace of Abraham Lincoln, the great American statesman, and the emancipator of the negro, was the "coon" skin tacked on the outer wall of his humble cottage, and I now know the significance of that picture; and further know that none other than a master hand of a true son of the bright and sunny South executed it, because every Southern man knows that no picture that pertains to anything connected with the negro in any way—be it ever so slight or indirect—is ever complete without a "coon" skin showing up somewhere in the background.

Whenever it becomes necessary to catch a negro, or a "coon" for any purpose, the same methods are employed in each case. There are three ways by which either can be caught, namely: by traps, by still hunting, and with hounds. If a trapper wants to catch a "coon" in a trap, he either baits it with sardines, salmon or some other kind of loud smelling canned fish; or he baits it with some bright object, say a piece of broken plate about the size of a silver dollar, or a little piece of new tin, and if a "coon" passes that way, he will most likely fall a victim of either his appetite, or his curiosity. He simply cannot resist the temptation.

If an installment man or a peddler wishes to trap a negro for his pelt, he goes about it in the same manner. He first shows him some flashy plated jewelry, lace curtains, hand mirrors or safety razors, and if none of these things will land him, he goes out to his wagon and gets a can or bottle of something and opens it up and sticks it under the negro's nose and lets him smell it for a few minutes, and his downfall is then assured.

When a negro wants a "coon" for table purposes, he either locates his den and hangs around and shoots him when he comes out, or else he goes after him on the ground, with a pack of blue speckled hounds, and runs him down, but in either case he gets him just the same.

If a white man wants to catch a negro for the purpose of lynching him, or sending him to jail, he uses the same simple "coon" tactics on him. He either locates the house

where the negro's "lady friend" is stopping and waylays that until he catches the negro slipping in or out some morning before day, and nabs him; or else he gets the state's bloodhounds and runs him down.

I do not claim, nor do I believe, the negro is any blood relation to a "coon," but on account of the similarity of their habits, and the long and close connection existing between them, the negro has long since been aptly termed, a "coon."

A Negro's Version of Heaven and Hell.

One Sunday night in the month of August, some years ago, I was passing by Mount Ever Rest Colored Church, the doors and windows were open and the congregation was singing:

"God showed Noah by the rain bow sign,
No more water, but the fire next time,"

and as they finished the last stanza, the Rev. George W. Flowers, a minister of ebony hue, and who was an acquaintance of mine, arose and began to address them, as follows:

"Bretheren, and sisteren, my discourse dis even am gwine to be on the beautifulness of heavn, and de horrifulness of hell, and one or de other of dem two things ought to reach every man, 'oman and chile in this vast assembliment.

"My text am like de brains of de most of my hearers here tonight, somewhat scatterin, but de thought dat I wishes to convey to you am gwine to be more constimated and to de pint.

"My text am scattered all through dis good old book from kiver to kiver, like chicken feed in de straw, and if any of you smart Alecks doubts any thing dat I has to say here to you here tonight, you can take dis book down and sarch out des vital thruths for yerselves, after I am through wid my expostulations.

"I wishes to further say, dat I sees in dis congregation, a big flock of black sheep without a sheperd; one in which de bline am 'temptin to lead de bline. De very openin song dat you has just sung show dat you am followin after false doctrin. And I mought just as well tell you now as any other time, by way of introductatory, dat my remarks

to you on dis auspicious occasion am not gwine to be long de old and well beaten path followed by all of my prepossessors, but am gwine to be entirely new to de most of you.

"Now hear me people, and give your ears over to understandin. De Bible specifies dat all flesh am not de same flesh; dat dare am one kine of flesh of men; another kine of birds; and still another of fish and fowls; and it mought have further said dat all flesh of men am not de same kine of meat, for we has de flesh of de white folks; de flesh of de nigger; de flesh of de Injun; and at last de flesh of de Chinaman, all differin in glory de same as one star differs from another star in glory.

"Listen now, and hear me people, all heavens, and all hells, am not de same kine either.

"(I am gwine to ax de brother dat is settin de closest to dat dawg to please kick him out of dis sanctuary 'fore I proceeds any further, and I wants to again call de attention to all of you to dat scripture dat says, 'cast not your pearls before a hawg, nor feed holy things to er dawg.' Dat am de third time now dat I has seed that same dawg trying to lift dat kiver from off dat sacrement beard, and I am gwine to ax you once more to leave dem dawgs at home in de future. * * * * * Thank you my brother, be seated.)

"Now hear me people and harken unto my voice, don't you all know dat de Bible says dat dare am seven heavens; and don't you all further know dat wid all dat room dat dey aint gwine to be anways crowded; and dat dare will be plenty of room for all dat gits dare widout mixin up de different races.

"All you niggers what think you gwine to set down and eat wid de white people at de feast of de lamb am gwine to be disappinted. De white folks aint gwine to stand for nothin like dat, and 'sides dat if you was in dare, de way dey am gwine to have dare grub cooked would'nt suit you no how, and you mought just as well git dat off your mine, for you ain't gwine to be dare.

"De New Jerusalem aint gwine to be no 'coon town,' and it ain't gwine to have no ile mills, or compresses in it; and dare ain't gwine to be no fruit stands or lunch counter on dem golden streets. Dat town am gwine to be strictly for de white folks, and dey ain't gwine to have no niggers blockin up dem pearly gates. No nigger is ever gwine to git any further in dat town dan Paradise Ally.

"De nigger settlement in heaven am gwine to be some miles out, on de east side of de River of Life, and hear me people, and give heed to my supplication, de cat-fish in dat river am gwine to be as big as a whale * * * 'cordin to de size of de whale, of course * * * and the watermelons and sweet 'taters am gwine to grow wile and spontanious all up and down dat fertile valley.

"Oh my brethern, me thinks I see dat place now, dimly in de distance, through de twilight; and I thinks I can see wid my mine eye, a twelve pound 'possum wid his tail twined 'round a 'simmon limb and a young Plymouth Rock rooster roostin on de lot fence. * * * Glory be to God in the highest . Amen.

"But bretheren, hear me now, and despise not the messenger of de Lord, what am you gwine to do on dat awful day of judgment; dat day when de Lord of Lords and King of Kings comes down in all of his glory to judge dis old world. Dat am not gwine to be any perlice court trial. False swearin ain't gwine to git you nothin dare. Dat am gwine to be one time when you am gwine to git all dat is comin to you, and den some, even to de uttermost farthin —whatsumever dat mought be.

"Oh my bretheren, it makes me tremble, tremble, when I thinks of what you gwine to do when dat trial is over; and when de good Sheperd 'gins to separate de goat from de sheeps. Oh my brother, I 'magines I can hear him now sayin, 'Depart from me, you big bobtail billy goat from Riverside Plantation, git off de exhibition ground altogether, I never knewed you.' Den dare will be weepin, wailin and mashin of teeth; and de wicked will be cast out into outer darkness widout so much as a two-bit three burner headlight on; and on down into dat awful region

where de sun never shines, and where the thermometer stands fifty degrees below zero on de Fourth of July.

"Oh my bretheren, and sisteren, I beseches you to beware of dat awful place where hell is friz over all de year round; and where de devil am gwine to roll you in de snow throughout de countless ages of eternety.

"Oh my brother, think about what you gwine to do when dem awful icicles go slidin down your back. Oh what am you gwine to do in dat awful hour. De north pole what Dr. Cook has done told so many horrifyin and conflictin tales about, am a plum tropical climate 'side of dat awful region.

"Oh, my bretheren, de very words in your mouth am gwine to freeze hard and drap down on dat icy floor and rattle like tinklin brass and clashin symbles, when you tries to cry out in your agony. De very breath of your nostrils am gwine to freeze and beat you in de face like a snow storm; and hail and sleet am gwine to blow and beat on dat old leaky roof of hell continously.

"Oh my bretheren, let me exhaust you to quit your cussin; lyin; stealin; crap shootin; whisky drinkin, and backbiting one another to de white folks, and prepare yourselves for dat awful day what am bound to come.

"And now may de good Lord have mercy on your poor ignited souls 'fore it is everlastinly too late shall ever be my prayer.

"Now brethern, and sisteren, while de congregation stands, I am gwine to ax all of you to jine me in singin:

" 'It rains and it hails,
And it is cold and stormy weather;
De people weeps, and dey wails,
And Lord, I flees to Thee for shelter.' "

On the following morning, I saw George, and said:

"George, what sort of a hell was that you were telling your people about last night?"

"Who, me?"

"Yes, you. I happened to be passing Mount Ever Rest last night and stopped outside and listened to you preach for a while."

"Oh pshaw, Capt'n," said George, with a broad smile on his face, "I know dat de Bible say dat hell am a lake of fire and blue stone, but den you knows a nigger well enough to know dat it don't do not good to try to skeer him wid hot weather, and dat if you wants to git next to him, you got to threaten him wid cold."

The Negro Law of Mississippi.

There has been much written about the common law, the civil law, the statutory law and the so-called "unwritten law," but we have another important branch of the law here in Mississippi, about which I have never seen anything written, nor do I know of any school in which this branch of the law is taught. It must be learned by experience and observation, and it is one of the most complicated branches of the law. I refer to the "negro law." Any attorney from a foreign state might examine our constitution and statutes and find that this was a common-law state, and that, except where it was modified by some statute, the common law was in full force and effect, and would further find that, if he was a citizen of the United States, above the age of twenty-one years, of a good moral character, and could pass a satisfactory examination on the common law and the statutory laws of this state, he would be granted a license to practice law in all of her courts, upon his taking the oath prescribed by the statutes. He might also believe himself qualified to do so, but that is where he would make a very great mistake. The law which he has spent time and money to learn, and about which he has been interrogated on his examination for his admittance to the bar, is for the white people of this state; and the law he is going to be called on to practice more than any other, and especially in the early years of his practice, is "negro law," about which (unless he is native born) he knows absolutely nothing, and about which no book on earth, so far as I know, sheds the faintest ray of light.

The "negro law" of Mississippi is a law of many parts, and is composed partly of the common law, statutory law, and unwritten law, and to be able to tell just which one of these several parts of the law applies in any given case is

an art rarely, if ever, possessed by any one, except the native born attorney of this state. From the letter of our statutes, a stranger might justifiably infer that they applied to all persons within this state, without regard to race, color, or previous condition of servitude, but nothing is farther from the truth. The judges, lawyers and jurors all know that some of our laws are to be enforced against everybody, while others are to be enforced against the white people, and others are to be enforced only against the negroes, and they are enforced accordingly.

Descent and Distribution.

Under our system of administering the law, a negro has the same right to acquire, enjoy and dispose of property, both real and personal, that a white man has, and when he dies intestate, leaving any property, it is distributed according to our statute of descent and distribution, but beyond that the rule varies and shifts from one to the other; sometimes in favor of the white man, and sometimes in favor of the negro.

Civil Actions.

Whenever a civil controversy arises between two or more negroes, it takes its regular course, and is either tried in the justice of the peace court; the circuit court, or the chancery court, depending altogether which court has jurisdiction over the parties and the subject matter, but whenever any minor controversy arises between a white man and any negro working for him, whether civil or criminal, he generally gives the negro an ex-parte hearing in the barn or gin house, at which time and place, he impresses his theory of the case on the aforesaid negro with a piece of gin belting, or about three feet of the butt end of an old buggy trace, which is usually very effective; and the hearing is then adjourned sine die.

There are some cases, however, that do sometimes arise between a white man and a negro that cannot be adjusted in this manner, and when there is enough property involved to justify the employment of counsel to represent

the respective parties, it is always a wise move on the part of counsel representing the negro to get the case in the chancery court on one ground or other, for by doing so he dodges a jury of twelve white men who might feel embarassed in reaching a proper verdict where the controversy was between a white man and a negro; and he also avoids any chance of having the negro embarassed by their verdict. Under our system, if our chancery court once acquires or assumes jurisdiction over any matter for any purpose, it retains jurisdiction over it until it is finally terminated, and adjusts all of the rights of the parties, although they may be purely legal rights as well as equitable rights, and it is always much safer to try your negro's case in that court, if possible.

Divorce and Alimony.

We have, in this state, eleven statutory grounds for divorce, and if in the course of his married career, a white man is so unfortunate as to get his domestic affairs in such a tangle that it becomes necessary to sever his matrimonial bonds to insure his future happiness, he must allege, and must prove by two or more creditable witnesses, in addition to his own testimony, that his wife has at least crossed one of the boundary lines fixed by the statute, and he must pay all cost of the action, including a reasonable attorney's fee to counsel representing him, which ranges anywhere from $50.00 to $500.00 according to the social and financial standing of the parties; and must also furnish his wife with ample means to procure counsel of equal, and in many cases better, qualifications to represent her side of the case; and must pay her alimony pendente lite in such sum as the court thinks is in keeping with his ability to pay, and his wife's necessities and social standing demands, before his case can even be heard on its merits, or demerits, as the case may be; and if a decree is finally rendered in his favor, he is frequently required to pay permanent alimony ever afterwards, which ipso facto robs him of all of the pleasures usually attending a legal victory, and which renders him in con-

tempt of court at any time should he fail to promptly pay the alimony on the day it fell due, and which would subject him to a term in the county jail without further notice. Or, in other words, the legislature and the courts of this state have never done much towards encouraging and facilitating divorces among its white citizens.

Now when it comes to the negroes, the rule is different. In the first place, a negro does not need a divorce, but a great many of them want them and are willing to pay for the privilege of having them; and are always willing to pay the clerk fifty cents extra for a certified copy of the decree, if he will put a gilt seal on it instead of the ordinary impress; and seventy-five cents extra where the seal is attached to a little piece of blue ribbon with a scallop in the loose end of it.

Negro divorces in this state are a staple just the same as cotton or any other native product, and are to be had by him, as a matter of course, whenever he wants one, at a fixed price, to-wit: $25.00 for attorney's fee and $5.00 for court cost, in the delta, and a little less in some parts of the hills. When a negro decides to invest some money in a divorce, he goes to some attorney and makes his wants known; makes a cash deposit of $15.00 as a guarantee of good faith, and makes affidavit to the original bill prepared by the aforesaid attorney; and is instructed to be back at the court-house of his county, on the first Tuesday, or the second day of the next term of the chancery court, and to have with him then $15.00 more of the lawful coin of the realm, and two good substantial witnesses, if he can get them—and he usually can—but in no case to overlook that balance of $15.00 which is so essentially necessary to carry his case through without any hitch. The first Tuesday of each term of the chancery court is set apart and specially dedicated to the trial of negro divorce cases; and in order to expedite matters, it is customary with a great many chancellors, especially in the black belt, to appoint the different members of the bar who are not otherwise engaged, to sit as commissioners, or vice-chancellors on these cases, and if, after ascertaining whether or not ser-

vice has been had on the defendant, and after having heard the evidence, or some of it, he should recommend a divorce, the chancellor signs the decree; and the clerk furnishes the negro with a copy of same, under the seal of his office, and that is the end of it.

Criminal Actions.

There are many things declared by the statutes of this state to be a crime that a negro may do with impunity and never be molested, while a white man for the same act, would get not less than ten years in the penitentiary. For instance, as above stated, divorces are not compulsive with a negro, and he may have two or more wives at one and the same time, with or without being married to any of them and no one care; and it is not uncommon for the presiding judge to instruct the grand jury not to take any notice of it in case it is called to their attention by any witness who might be before them on other business. On the other hand, if any white man should be guilty of the same offense, he would be promptly indicted, and if convicted, he could safely count on getting anywhere from three to ten years in the penitentiary.

Gambling.

Under our criminal statute it is a misdemeanor for any person to wager any money or other valuable thing on any game of chance, or to play for money at any game of cards or dice, etc.; but it is the unwritten law—and the unwritten law applies in this case—that all negroes may play a game of chance with dice, commonly called "craps" for money or any other valuable thing, on Saturday nights or any time during the first day of the week commonly called Sunday; provided, however, that said game is conducted in a quiet, orderly manner in a vacant cabin or cotton house on the back side of the plantation. But it is also the unwritten law of this state, that a white man must not, at any time or place, for either love or money or any other valuable thing, play a game of "craps," that being recognized as a negro game exclusively.

It is also the unwritten law of this state, that all white persons above the age of twenty-one years, may play a game of chance with cards, commonly called "poker," for money and other valuable things; provided, however, that said game is conducted in a quiet, orderly manner in some private place, after business hours, but a negro must not, under any circumstances, play a game of "poker," for love, money or anything else, that being recognized as strictly a white man's game.

Larceny.

If a white man be guilty of petit larceny in this state, he is either lynched, deported or sent to the county convict farm for a long term, but if a negro be guilty of petit larceny, he is either cursed, whipped or made to pay the value of the thing stolen, or is sent to jail, all depending on what he has stolen and from whom he has stolen it. If he steal anything from another negro, he is arrested, tried before a justice of the peace, and usually sent to the county convict farm to work out the fine and cost, especially the cost, but under certain circumstances the fine may be held up during good behavior, where satisfactory arrangements can be made as to the cost. If he steals from a white man, he is not usually arrested or tried at all, but is given one of those ex-parte hearings above mentioned, and made to return the article stolen or pay its value, according to the circumstances. If he steals tobacco, whisky, chickens or watermelons from any white man for whom he is working, or for whom he has ever worked, nothing is ever done or said to him about it at all, for it is well known to all white people that he cannot help taking those things, and is not responsible for his acts in the premises, and if any white man should ever undertake to prosecute him on a charge of this kind, he would have no more show before a Mississippi jury than a paper shirt in a bear fight.

Concealed Weapons.

If a negro is guilty of selling whisky, cocaine, or carrying a pistol he is severely dealt with, that being absolutely

necessary to protect the lives of both the white people, and the negroes themselves, for there never was a more dangerous combination than a negro, whisky or cocaine and a pistol. He is just bound to kill somebody, and he does not care who, when he has a pistol and is under the influence of cocaine or mean whisky. On the other hand, all able-bodied white males above the age of sixteen years, who live in the black belt, where the negroes outnumber the whites ten to one, are all supposed to have pistols of standard make and size, and are supposed to carry them all the time, either concealed or otherwise, and are supposed to know how to use them to the best advantage on the shortest notice—and they usually do—notwithstanding, the statute says that if any person who carries concealed, in whole or part, and bowie knife, dirk knife, butcher knife, pistol, etc., shall, on conviction, be fined not less than $25.00 and the weapon so carried, shall be forfeited to the state, and shall be, by the sheriff of the county where the conviction occurred, publicly destroyed, etc., but this statute applies only to the negroes and the people who live in the white belt and has no application to any white person who lives in the black belt.

Homicide.

The statutes of Mississippi also say, that if any person shall be convicted of murder, he shall suffer death, unless the jury rendering the verdict shall fix the punishment at imprisonment in the penitentiary for the life of the convict. This statute only applies to a white man who kills another one about something else besides a woman. If the killing was about a woman, he is tried by the unwritten law, and is either hanged, sent to the penitentiary or acquitted, all depending on what woman the killing was about, and what the facts were in that particular case. But this statute does not apply to a negro at all. If he kills a white man, and is caught, he suffers death in some form or other, the time, place and manner of his execution depending altogether on who caught him, the sheriff's posse or the friends of the deceased. If the sheriff's posse are

the first to get to him, he is hanged the fourth Friday after court adjourns, but if the friends of the deceased are the first to get possession of him, he is executed at once, at or near the place where the homicide occurred; the manner of his death being always a matter of individual taste of the parties conducting the ceremonies.

When a negro is indicted for killing another negro, he is seldom, if ever, tried at all. The usual practice is for the court to appoint some young inexperienced attorney to defend him; then partly out of sympathy for the negro, and partly out of sympathy for the young attorney, the state's attorney will allow the negro to plead guilty with the understanding that the jury will fix his punishment at life imprisonment, and they will be instructed to bring in a formal verdict to that effect. This plan always works perfectly satisfactory to all parties concerned—the state saves the expense of a long drawn out trial, the negro is saved from being hanged, and the state gets another cotton producer on the state farm. If he is a young negro—and in most cases he is—he is good for about twenty years service at the least, and ought to raise on an average of ten bales of cotton each year, under the scientific methods used there, and this cotton, after deducting the customary shrinkage and graft, ought to net the state as much as $75.00 per bale, or a sum total of $15,000.00, which from a business standpoint, is worth a great deal more to the tax payers than a public hanging.

There are only a few of the unwritten rules of practice in this jurisdiction, the whole of which would fill a large volume, and are rarely, if ever, understood by any one, except the native born attorneys of this commonwealth.

State of Mississippi vs. Dink Coleman.

Some years ago, in the early part of June, Dink Coleman, a gent of ebony hue, a driver for the Delta Transfer Company by occupation, and for many years past a resident of the city of Greenville, the county seat of Washington County, Mississippi, and which is situated on the east bank of the "Father of Waters," sat upon the levee and watched the sun disappear behind the willow fringed shore of the Arkansas side; he watched the towboat Henrietta drift slowly by with a long raft of logs in tow; he also watched the steamer Ruth land, discharge her freight and resume her southward journey. He then arose, yawned, rubbed his eyes, stretched his arms and walked across Washington avenue and down Walnut street to the "Twilight Cafe," a place of refreshment for colored folks only, and which was presided over by Ephriam Brown, likewise a gent of color and who was its sole proprietor and general manager.

Soon after Dink had seated himself on a vacant stool at the refreshment counter, he and Ephriam had a disagreement about the age, grade and quanity of hot-cat-fish that had been served to Dink for the amount of money expended by him, to-wit: two bits, or the fourth part of a dollar of the lawful money of the realm. Hot words between them were soon followed by blows; negroes ran through the open door, and some jumped through the windows; crockery crashed against the floor; furniture was reduced to kindling wood; and pandemonium reigned supreme.

When the dust of battle had cleared away, Ephriam Brown lay on the floor in the midst of the wreckage, with several ugly wounds on different parts of his person, in-

flicted by a certain deadly weapon, to-wit: a razor in the hands of Dink Coleman, who was promptly arrested and placed in the county jail to await further developments.

As soon as time, nature and local surgical talent had made sufficient repairs on Ephriam to enable him to appear in court as the chief witness for the state, Dink was given a preliminary hearing before His Honor, Judge O'Riley, justice of the peace for district No. 3 of Washington county, on an affidavit charging, that he did, on or about the 8th day of June, A. D. 19——, in the county and state aforesaid, with force and arms, wilfully, maliciously, feloneously and of his malice aforethought, commit an assault and battery upon the person of one Ephriam Brown, with the intent, him the said Ephriam Brown, to then and there kill and murder, against the peace and dignity of the state of Mississippi.

When Dink was brought into court, and the charge had been read to him, he was asked the usual question, "how do you plead, guilty or not guilty?"

To which he replied: "No siree, jedge, I ain't done none of them things to dat nigger."

"This is er put up job on me jedge. Dese here good-fernuthin niggers is all got it in fer me jedge, 'cause I's er nigger what mines my own business jedge and don't bother no body."

"No siree, jedge, I'se not guilty sir."

"Never was 'rested 'fore in my life, jedge, for nothin. All the white folks in dis town will tell you dat 'bout me, jedge." "And 'sides dat, jedge, dat nigger done hit me once wid er fryin pan on my jaw 'fore I cut em, jedge."

"Won't some of you gen'emen over dare, please sir phone Mr. Jimmie Coleman to come over here right quick. He's my whitefolks and my lawyah."

"Mr. Jimmie" to whom Dink had referred, was the Honorable James B. Coleman, one of the most able criminal lawyers at the local bar. Before the war, Dink's father had belonged to Mr. Coleman's father, and the feeling which existed between him and Dink was similar to the feelings which usually exist between two first cousins who

have never had any conflicting property rights, and Dink, as a matter of course, expected "Mr. Jimmie" to fight all of his legal battles for him.

In due time, Mr. Coleman appeared in court, perspiring freely, and took charge of Dink's defense, or rather lack of defense.

The state introduced witness after witness who swore, that Dink had voluntarily entered the "Twilight Cafe" and without any reason, real or apparent, had proceeded to provoke a difficulty with the proprietor thereof, and then carve him up in the most approved style with a razor. Each of these witnesses was subjected to a grilling cross-examination by Mr. Coleman, which was greatly enjoyed by Dink, as well as all of the other negroes present, but their testimony remained unimpeached. Dink offered no testimony, and after some wrangling between counsel for the state, and the defendant, it was agreed that Dink should be placed under bond in the sum of one hundred dollars to await the action of the next grand jury, which bond was accordingly given, and Dink released from custody.

On the second Monday of the following July, the regular criminal term of the circuit court of Washington county convened, with Judge Harrison, a true type of the old school, presiding. The weather was extremely warm and the court room was filled to overflowing with a squirming mass of humanity varying in color from the fair skinned, blue eyed, red headed Anglo-Saxon to the jet black Afro-American.

The court was duly organized and called to order; the grand jury was empanelled, sworn and charged; the docket was then sounded; after which court adjourned for dinner.

Dink silently followed Mr. Coleman back to his office, dropped his hat on the floor and himself into an empty chair. Mr. Coleman also removed his hat, mopped his brow, seated himself in a chair by an open window overlooking the Mississippi, and gazed long and earnestly across its waters. For quite a while neither he or Dink

spoke. Finally Dink said: "Mr. Jimmie, what you think 'bout our case now?" To which he replied, "Dink, I don't like the looks of your case at all."

Dink's lower jaw dropped, his eyes shone like twin moons, great beads of perspiration stood out on his ebony brow, and an expression of utter spread over his face as he said:

"My Gawd, Mr. Jimmie, don't you think we can beat dis case?"

"I am afraid not," said Mr. Coleman, "with the evidence the state has against you, Dink."

"It seems to me, from what all of the witnesses say about it, that you just simply went down to this joint and 'raised a rough house' without any provocation whatever, and with that evidence against you, the jury, under their oaths, will be bound to convict you."

"Den what?" said Dink.

"Well, in that case, you will be sent to the penitentiary, that's what," said Mr. Coleman.

"My Gawd, Mr. Jimmie," said Dink, "I was just as drunk as er biled owl when I done gone down dare and started all dis trouble, and didn't no more know what I was doin than er new born merino lamb. Please sir git me out of dis mess."

"Drunkness is no defense to crime, Dink," said Mr. Coleman, but of course, I am going to get you out of it if I can, but am doubtful about being able to do it this time."

"Den don't you think I had just better be mozying on off from 'bout here?" said Dink.

"Well," said Mr. Coleman, "as an attorney, I could not advise you to do that. You are under bond to be in the court room when your case is called, and unless you are there, a forfeiture will be taken on your bond."

"What am dat, Mr. Jimmie?" said Dink.

"Your bondsmen will have to pay the amount of your bond," said Mr. Coleman.

"Yas sir, yas sir, I see," said Dink.

"But if you are there," said Mr. Coleman, "I think you will be convicted, and I know that if you are convicted,

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you will be sent to the penitentiary; there is no doubt about that."

"Thank you, Mr. Jimmie, thank you sir. I think I begins to understand you now sir, yas sir," said Dink, and taking up his hat he bowed himself out of the office and down the stairs and was soon out of sight around the corner.

Before court adjourned for the day, the grand jury returned several true bills, one of which was against Dink Coleman, charging him with assault and battery with the intent to kill and murder one Ephriam Brown, against the peace and dignity of the State of Mississippi.

On the following morning Judge Harrison seemed to be in a particularly bad frame of mind, due partly to the oppressive atmosphere, and partly to his advanced age. His paint brush whiskers stood straight out; great beads of perspiration rolled off of his round bald head, and his eyes gleamed defiantly. It further appeared, that no one who had been recently indicted was particularly anxious for that speedy trial guaranteed to them by both State, and Federal constitutions. First one lawyer and then another was wrangling for a continuance. Some had sickness in their families; others had certificates and affidavits from reputable physicians showing that their client, or witness was physically unable to attend court at this time, and were further prepared to show that they could not safely go to trial without him. Case after case had been called and passed for the present, when the court called out in an irritable voice, "State of Mississippi vs. Dink Coleman; what sayeth the state?"

"Ready, your Honor," answered the district attorney.

"What sayeth the defendant?" said the court.

No answer.

"State of Mississippi vs. Dink Coleman, charged with assault and battery with the intent to kill and murder," called the court again.

Still no answer.

"Does any member of the bar represent the defendant in this case?" stormed the court, but no one spoke.

"Mr. Sheriff," said the court, "where is the defendant in this case?"

"I don't know, your Honor," said the sheriff, "but I think he is out on bond. He was here yesterday, but I don't think I have seen him in here this morning."

"Mr. Clerk," said the court, "enter a fine of $50.00 against this defendant for not being present in the court room when his name was called, and Mr. Sheriff, I want you to see that this fine is paid too."

Then an old wrinkled faced negro woman as black as the proverbial ace of spades, slowly arose in the rear of the crowded court room, and pointing a withered finger towards the court, said: "Jedge, may I have a few words wid you?"

"Sit down," thundered the court, and she automatically dropped back into her seat.

"Mr. Sheriff," said the court, "I want you to keep order in this court room. Call the defendant in this case. Go to the window and call him."

"Dink Coleman, Dink Coleman, Dink Coleman, come into court," called the sheriff, but no response.

"Mr. Clerk," said the court, "enter another fine of $50.00 against the defendant in this case. And, Mr. Sheriff, you go out on the street and arrest him and bring him in here before me, and I will learn him that the court room is the place for him to be when court is in session, and not out on some street corner."

For quite a while now everything was quiet in the court room, save for the regular tick of the wall clock over the judge's stand, and the gentle purr of a small electric fan on the mantel at his right.

When the sheriff finally returned, he reported, that after strict search, and diligent inquiry, Dink Coleman could not be found.

The same old woman again arose, and looking dubiously around the room, said: "Jedge, may I speak a few words to you?"

"Yes," said the court, "what is it you want?"

She said: "Ain't dat Dink Coleman you all been axin 'bout?"

"Yas," said the court, "what do you know about him?"

"Well," she said, "as I were comin to town dis mornin, I seed Dink, 'bout nine miles south of here, settin on de levee, and he told me, dat if I seed any body up here axin 'bout him, to giv em his regards and tell em dat he's done gone to Arkansaw."

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